

Your Europe Advice – Annual Trends 2021



19,002

Enquiries handled by ECAS legal experts on EU-rights.



The enquiries provide an insight into the problems experienced by EU citizens and businesses regarding their personal EU rights, including freedom of movement.



19,002 enquiries during 2021 represents a decrease of 24% compared to 2020, it could be due to the COVID-19 crisis, which had a serious impact on the movement of citizens and businesses within the EU.

Topics of the enquiries received 2021 (%)

In 2021, the COVID-19 crisis had an enormous impact on the movement of citizens and businesses within the EU. A variety of restrictions to free movement of persons were introduced during the COVID-19 outbreak, such as closure of borders, border checks, lockdowns, quarantines, etc.

These measures had the consequence of either preventing or hindering the exercise of free movement of persons.

Citizens faced obstacles imposed not only by national administrations, but also by private entities. Many citizens were well informed but unable to find any remedy for their situation.



26%
Social Security



20%
Residence



17%
Entry Procedures



8%
Taxes



7%
Work



4%
Motor - Vehicles

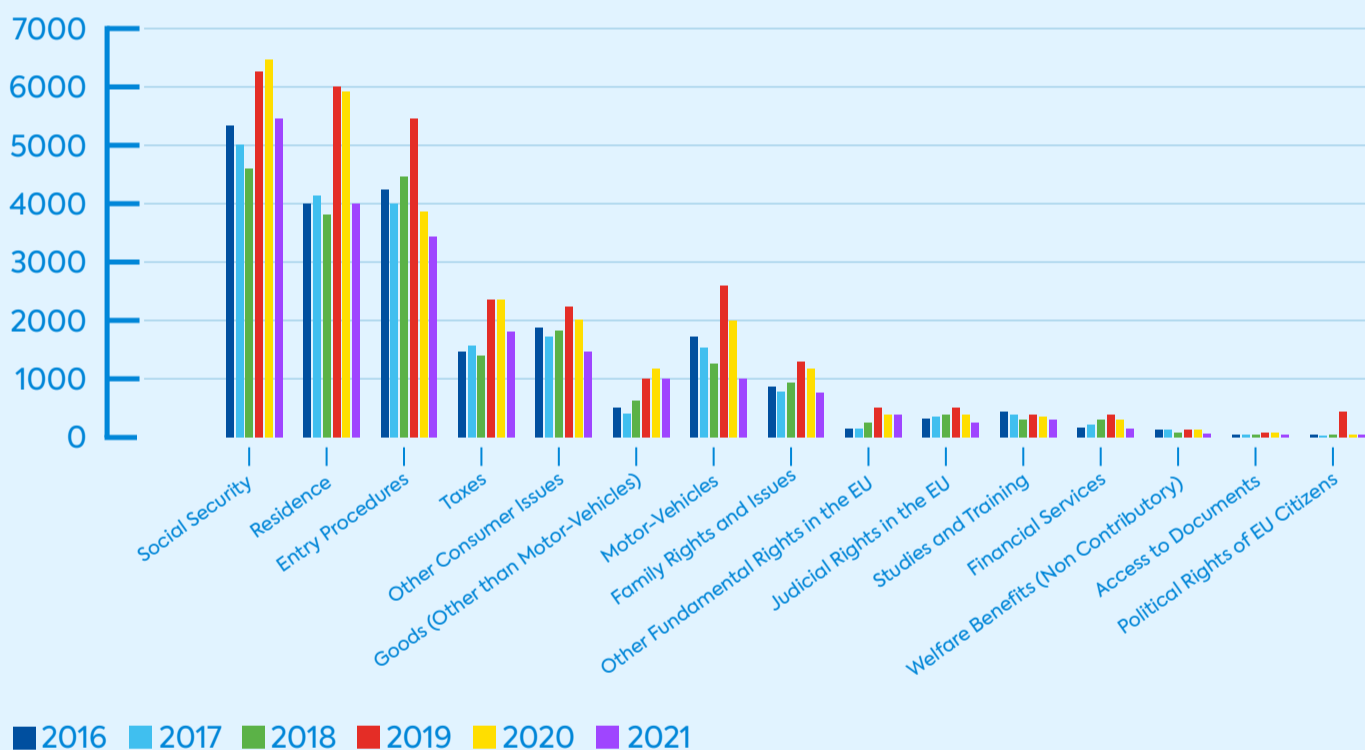


5%
Consumer Issues

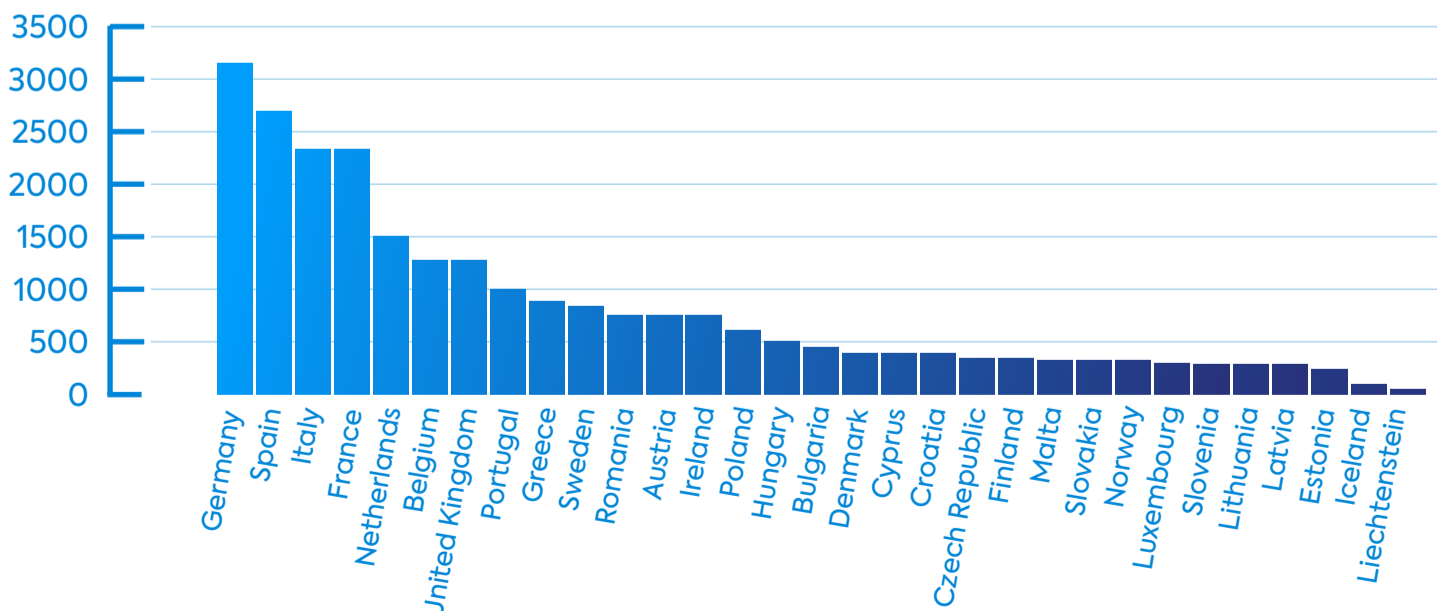


13%
Other

Cases by topic of last 6 years (2016 – 2021)



Number of enquiries per country



Your Europe Advice (YEA) is an EU advice service on personal EU rights of citizens and businesses which ECAS manages under contract with and on behalf of the European Commission. A team of around 60 legal experts, who are familiar with both EU law and national law in all EU countries, provide free and personalised advice within a week and in the language of your choice. They clarify the European law that applies in your case, and explain how you can exercise your EU rights. More information is available at: <http://ecas.org/services/your-europe-advice-yea/>

Your Europe Advice – Annual Trends 2021



Social Security: Country of Insurance

A Polish citizen living in Poland, close to the Czech border, was working in Czechia. She used to commute to work at least twice a week. Due to the COVID-19 pandemic, she was required to tele-work from Poland, her Member State of residence. She was concerned that this requirement might impact her social security insurance, but was unable to find relevant information.

A Finnish company recruited a Belgian citizen based in Germany. The citizen was unwilling to move to Finland because of the COVID-19 situation and proposed to work remotely from Berlin. The Finnish employer was required to pay social security contributions to Germany. However, they were unable to obtain relevant information from the competent German authorities.

Our recommendation

Administrative cooperation between national authorities must be improved. Regulation (EC) No. 883/2004 on the coordination of social security schemes provides for this. National authorities must be trained in the applicable social security rules when citizens move within the EU.

Requests for information should be attended to without delay and, in any event, within three months. In exceptional situations, when it is not possible to respond within three months, the competent authority should indicate deadlines and provide updates.



Social Security: Health Care, Sickness or Maternity

A Hungarian citizen living in Hungary was in receipt of a pension from Austria where she was insured. She wished to have her vaccination in her country of residence, but was refused by the Hungarian authorities and was unable to travel to Austria due to the COVID situation.

An Italian citizen became ill during his stay in France when visiting his daughter. As he was unable to return to Italy for treatment during the pandemic, he was treated in a French hospital for 20 days and then underwent rehab in a separate clinic. After his death, his daughter received a bill for 25.000€ even though her father had presented his EHIC prior to treatment.

Our recommendation

Raise awareness among citizens and national authorities about how to use a EHIC to obtain healthcare cover and raise awareness of patients' rights to reimbursement (independently of possession of an EHIC) for cross-border healthcare to ensure that everyone who needs care knows their options.



Social Security: Old Age Benefits

A British citizen living in the UK had worked in Germany from 2010 to 2013, paying social security contributions. He queried if his pension contributions in Germany were lost or whether they might be recognised in the UK. The citizen experienced difficulties in obtaining information on the consequences of the Withdrawal Agreement following the departure of the UK from the EU.

An Italian citizen worked for 2 years in Germany and then in Italy for more than 41 years. He wished to apply for a pension in Italy but the local Italian social security institution was unsure how to treat the 2 years worked in Germany.

Our recommendation

Pensioners need quality information both from the sending country before departure and the receiving country upon and after arrival. The obligation of communication and cooperation between Member States as stated in Article 76 of Regulation (EC) No. 883/2004 should be reinforced by the European Institutions.



Social Security: Others

An Italian citizen who had previously resided in the UK was unable to register in Sweden. She was a student in the UK and had a European Health Insurance Card rather than a Form S1 as required by the Swedish authorities. She was unable to find private insurance acceptable to the tax agency.

A French citizen residing and working in Sweden was vaccinated twice in Sweden but was unable to obtain an EU Digital COVID certificate because he had not yet obtained his personal number.

Our recommendation

The EHIC (European Health Insurance Card) should be recognised in each EU country as evidence of comprehensive healthcare cover.

Private health insurance taken out by citizens should, in practice, be accepted as evidence of comprehensive health insurance.



Residence: Family Rights

The Thai wife of a Belgian citizen, permanently resident in France, experienced delays in obtaining a residence card there. When she gave birth, she had no social security cover and was subsequently issued with only a one-year residence card.

A Dutch citizen proposed to take up residence in Italy with his Vietnamese wife. He was advised by the local Italian authorities that he could not register as he did not work or pay taxes there. He was not asked if he had sufficient resources to support himself or health insurance. The authorities also indicated that his wife should apply for a residence permit from the Dutch Consulate as she was in possession of a Schengen visa from the Netherlands.

Our recommendation

Member States should ensure that national legislation is clear and sufficiently detailed to guarantee attainment of the Directive's objectives. If necessary, national laws should be supplemented by adequate administrative guidelines providing clear instructions on the application of the Directive.

The definition of "durable relationship" should be harmonised and Member States' authorities and national administrations should be trained to appropriately apply the rules. It should also be clear for the administrations that non-EU family members are not required to leave the host Member State and re-apply for an entry visa simply because the residence card application process is taking too long.



Entry: Others

An Italian citizen travels throughout Europe for work reasons. Due to COVID-19 travel restrictions, the citizen was aware that an EU Digital COVID Certificate was required for travel and to re-enter Italy. However, it seems that certain tests carried out in Bavaria, Germany were not compatible with the EU Digital COVID Certificate as the QR Code given was not valid in other European countries.

Ryanair interpreted the restrictions on entry of Brazilian citizens into Ireland as including those who were family members of EU nationals. A Brazilian family member had been living in Ireland and was in possession of an Article 10 residence card. She was denied boarding by Ryanair on a flight from Madrid to Dublin.

Our recommendation

With the EU Digital Covid Certificate, the European Union proposed a unified and coordinated approach between the 27 Member States. However, each Member State retained a final say on movement within their respective territories and independently managed the crisis and the vaccination campaigns. The COVID-19 crisis exacerbated existing Member States' divergencies, whereas EU citizens' rights should have been safeguarded uniformly.